

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

- against -

TEODULO MARTINEZ, Individually and as an officer,
director, shareholder, and/or principal of LA FRONTERA
STEAK HOUSE CORP. d/b/a LA FRONTERA STEAK
HOUSE MEXICAN RESTAURANT a/k/a LA
FRONTERA STEAK HOUSE, and LA FRONTERA
STEAK HOUSE CORP. d/b/a LA FRONTERA STEAK
HOUSE MEXICAN RESTAURANT a/k/a LA
FRONTERA STEAK HOUSE

Defendants.
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ORDER

07-cv-3455-ENV-RER

VITALIANO, D.J.

Plaintiff J & J Sports Productions, Inc. filed the above-captioned action against defendant TEODULO MARTINEZ ("Martinez") and LA FRONTERA STEAK HOUSE CORP. d/b/a LA FRONTERA STEAK HOUSE MEXICAN RESTAURANT a/k/a LA FRONTERA STEAK HOUSE ("La Frontera"). After defendants failed to respond, plaintiff moved for default judgment, which was granted on February 17, 2009 against La Frontera but denied as to Martinez. This Court also referred this motion to Magistrate Judge Ramon E. Reyes, Jr. for a Report and Recommendation as well as an inquest on damages and costs. On June 9, 2009 Magistrate Judge Reyes issued a Report and Recommendation recommending that judgment be awarded to plaintiff in the amount of \$3,550. Specifically, Magistrate Judge Reyes recommended that damages be awarded to plaintiff in the amount of \$3,000 in statutory damages, and \$550 in costs. No objections to Magistrate Judge Reyes's Report and Recommendation have been timely filed.

In reviewing a Report and Recommendation, this court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's Report and Recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of all the evidence in the record below, the Court finds Magistrate Judge Reyes's Report and Recommendation as to the appropriate amount of damages in this action to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the Report and Recommendation in its entirety as the opinion of the Court. Accordingly, for the reasons stated therein, the plaintiff is awarded \$3,000 in statutory damages and \$550 in costs.

The Clerk is directed to enter Judgment in accordance with this opinion and to close this case, administratively. Plaintiff is advised that if a motion for default judgment against defendant Teodulo Martinez, with appropriate supporting affidavits, is not filed within 30 days of the date of this Order, the action against that defendant will be dismissed with prejudice for want of prosecution.

SO ORDERED.

DATED: Brooklyn, New York
June 30, 2009

s/ENV

ERIC N. VITALIANO
United States District Judge